

EXHIBIT "B"

**INFORMATION TO OBTAIN A PRODUCTION ORDER
SWORN SEPTEMBER 7, 2011**

THIS IS EXHIBIT "B"
referred to in the affidavit of

Allan Mathews

Swear before me on the 22nd

Day of November, 2011

J. Lester

A JUSTICE OF THE PEACE IN AND FOR THE STATE OF TEXAS

JOYCE L. LESTER

Justice of the Peace

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**INFORMATION TO OBTAIN A
PRODUCTION ORDER**
(Section 487.012 of the Criminal Code)

Canada,
Province of Ontario

This is the information of Allan Mathews, hereinafter called the **Informant**, of the City of Ottawa, in the Province of Ontario, a public officer appointed or designated to administer or enforce a federal law and whose duties include the enforcement of the *Canada Elections Act*, taken before me.

The Informant says that he has reasonable grounds to believe and does believe that the following offences have been committed, namely:

OFFENCE

That a person or persons unknown, on May 2, 2011, at or near the City of Guelph and elsewhere in the Province of Ontario, did, wilfully prevent or endeavour to prevent an elector from voting in an election contrary to paragraph 281 (g) of the *Canada Elections Act*.

And by so doing committed an offence contrary to paragraph 491 (3) (d) of the *Canada Elections Act*, S.C. 2000, c.9 as amended;

AND

That a person or persons unknown, on May 2, 2011, at or near the City of Guelph and elsewhere in the Province of Ontario, did, by pretence or contrivance, induce or attempt to induce persons to vote or refrain from voting or to vote or refrain from voting for a particular candidate and by so doing committed an offence, contrary to paragraph 482 (b) of the *Canada Elections Act*, S.C. 2000, c.9 as amended.

And that the following documents or data will afford evidence respecting the commission of the offence described above:

**DOCUMENTS OR DATA TO BE
PRODUCED**

Copies, certified by affidavit to be true copies, of documentation or data relating to toll free phone numbers (866) 467-2259 and (877) 841-3511, located at or through Distributel Communications Limited, 177 Nepean Street, Suite 300, Ottawa, Ontario K2P 0B4, the parent company of ThinkTel Communications, 1506 -10250 101 Street, NW, Edmonton, Alberta, as follows:

- Confirmation that ThinkTel Communications is the telecommunications service provider for toll free phone number (866) 467-2259, and was the service provider for this number for the period March 26 through May 5, 2011;
- Confirmation that ThinkTel Communications is the telecommunications service provider for toll free phone number (877) 841-3511, and was the service provider for this number for the period March 26 through May 5, 2011;
- Subscriber information for toll free phone number (866) 467-2259 for the period March 26 through May 5, 2011, including the name, address and contact individual information for the subscriber, if any;

**DÉNONCIATION EN VUE D'OBTENIR
UNE ORDONNANCE DE COMMUNIQUATION**
(article 487.012 du Code criminel)

Canada,
Province De L'Ontario

Les présentes constituent la dénonciation de (le dénonciateur), de (ville), dans ladite province de/du (province), _____ ci-après appelé le dénonciateur, portée devant moi.

Le dénonciateur déclare qu'il a des motifs raisonnables de croire que les infractions suivantes ont été commises, à savoir:

INFRACTION

Et que les documents ou données décrits ci-dessous fourniront une preuve touchant la perpétration des infractions énumérées ci-haut:

**DOCUMENTS OU DONNÉES À
COMMUNIQUER**

[Handwritten signatures and initials]

- Subscriber information for toll free phone number (877) 841-3511 for the period March 26 through May 5, 2011, including the name, address and contact individual information for the subscriber, if any;
- Call Detail Records for toll free phone number (866) 467-2259 for the period March 26, 2011 to May 5, 2011, including records relating to call origination and termination, call duration, originating carrier, call and carrier routing information, phone numbers called, phone numbers of calls received, and caller ID information;
- Call Detail Records for toll free phone number (877) 841-3511 for the period March 26, 2011 to May 5, 2011, including records relating to call origination and termination, call duration, originating carrier, call and carrier routing information, phone numbers called, phone numbers of calls received, and caller ID information;

however stored (electronically, on microfiche, on paper, on photographic film or any other form), maintained at or by ThinkTel Communications.

GROUNDS FOR BELIEF

MOTIFS DE CROIRE

The Informant says that he has reasonable grounds to believe and does believe the matters described above, and that his grounds are based on the following:

OVERVIEW

1. I, Allan Mathews, the Informant herein, am an Investigator in the Office of the Commissioner of Canada Elections (the "Commissioner") and a person charged by the Commissioner with duties relating to the administration and enforcement of the *Canada Elections Act* (the *Act*). Pursuant to subsection 511(3) of the *Canada Elections Act* (*Act*), for the purposes of the Criminal Code, I am a Public Officer as defined by section 3 of the *Interpretation Act*. I have personal knowledge of the matters and facts contained herein except where stated to be on information or belief and where so stated I verily believe them to be true.
2. I have been investigating allegations that, in relation to the 41st general federal election campaign, in the electoral district of Guelph, bogus telephone calls apparently made from telephone number 450-760-7746, were made to certain electors on Election Day, May 2, 2011. These calls consisted of a recorded bilingual message which falsely claimed to be from Elections Canada. The calls falsely reported that due to high voter turnout, the elector's voting location had been moved for these individual electors to another location, at Old Quebec Street Mall, 55 Wyndham Street North, Guelph. There was no truth to this call. The caller was not representing Elections Canada and no voting location had been moved. The electors called could not vote at the location named in the call. By this pretence or contrivance the conduct induced or attempted to induce electors to vote or not to vote, or to vote or not to vote for a particular candidate, contrary to paragraph 482 (b) of the *Act*. Similarly the conduct wilfully sought to prevent or endeavoured to prevent electors from voting in the election being carried out on May 2, 2011, contrary to paragraph 491 (3)(d) of the *Act*.
3. On June 8, 2011, in furtherance of this investigation, I swore an Information to Obtain a Production Order for Bell Canada records before Justice William Stewart, at Ottawa, Ontario. Justice Stewart issued a Production Order for Bell Canada the same date. The Production Order was served on Bell Canada June 8, 2011, and returns on the Order were made to me by Bell Canada on June 29, 2011 and on July 21, 2011. I made a Report to a Justice before Justice B. MacKey on July 28, 2011.
4. I attach as appendix "A" my Information to Obtain a Production Order for Bell Canada records (ITO) of June 8, 2011 to this present Information to Obtain a Production Order. I incorporate the June 8, 2011 ITO contents herein, including the background information, the description of the offences and my Grounds for Belief to that date.
5. I am swearing this present Information in support of a request for a production order to obtain ThinkTel Communications telephone subscriber information and call detail record information

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pertaining to 2 toll free phone numbers, (866) 467-2259 and (877) 841-3511, for the period March 26, 2011 to May 31, 2011. ThinkTel, a subsidiary of Distributel Communications Limited, is located at Edmonton, Alberta. The ThinkTel toll free telephone numbers named in the DOCUMENTS OR DATA TO BE PRODUCED above were called by phone number (450) 760-7446 on April 30 and May 1, 2011. I believe the information will assist in determining how phone number (450) 760-7446 appeared as the calling number in relation to a significant number of calls made to electors in Guelph Electoral District. These calls transmitted a false message, claiming to be calls from Elections Canada, informing the electors' that their polling stations had been moved May 2, 2011, thereby interfering or attempting to interfere with their ability to vote in the federal general election of that day. I believe the records of the calls made to the toll free phone numbers may also assist in locating the subscriber of telephone number (450) 760-7446, currently known only as "Pierre Poutine".

6. I believe that the offences described above have been committed by a person or persons unknown; that the records to be produced will provide evidence of these offences; and that the records are in the possession or control of ThinkTel Communications of Edmonton Alberta through its parent company, Distributel Communications Limited of Ottawa, Ontario. This Information sets out the grounds for my belief in these matters. An element of the proof of the alleged offences requires evidence of telephone calls made to electors, and of telephone subscriber information or information that would tend to demonstrate who the subscriber or user or purchaser of the phone number (450) 760-7446 might be. The documents or data and their relationship to offences under the *Act* are set out in this Information.
7. The person to whom this production order is addressed is not a person who has committed or is suspected of having committed the offences set out under the heading OFFENCES above, or any other offences against any act of parliament. This person is not subject of this investigation and is reasonably believed to have possession or control of the material named in the DOCUMENTS OR DATA TO BE PRODUCED.

SYNOPSIS OF INVESTIGATION FOLLOWING FIRST INFORMATION TO OBTAIN

8. This investigation arose from multiple complaints made to Elections Canada on and immediately after Election Day, May 2, 2011. These complaints were consistent in almost every respect. The complaints from individual electors described receiving a telephone call at or around 10:00 hours on the morning of May 2, 2011. The caller was usually described as a recorded female voice giving a bilingual message. The caller said she was calling on behalf of Elections Canada. The gist of the message was that due to a projected increase in poll turnout, the elector's voting location had been changed. The new voting location given to the recipients of the calls was at the Old Quebec Street Mall at 55 Wyndham Street North, Guelph. The caller gave a number to call, which a number of recipients of the calls noted as 1-800-434-4456, if the elector had any questions. The message was then repeated in French by a different female voice. Almost all recipients of the calls who noted their call display function said the calling number given was 450-760-7746.
9. The Return of Documents or Data from the Production Order on Bell Canada of June 8, 2011, was limited to a subscriber record and call detail records for Virgin Mobile phone number 450-7560-7746 for the period March 1, 2011 to May 31, 2011. Bell Canada also advised that Virgin Mobile phone number 450-7560-7746 was activated April 30, 2011 as a prepaid account.
10. The subscriber information for phone number 450-760-7746 provided by Bell Canada in response to the Production Order of June 8, 2011 was consistent with the information contained at paragraph 103 of the Bell Production Order ITO, namely that Virgin Mobile phone number 450-7560-7746 was subscribed to in the name "Pierre Poutine". In addition it provided an address of Separatist Avenue, Joliette, Quebec. This information appears to be patently false.
11. The Call Detail Record (CDR) provided by Bell Canada identified 362 call records between April 30, 2011 and May 29, 2011.
12. Bell Canada security officer Tanya Campanozzi advised me on June 29, 2011 that Bell was unable to comply with other requests made in the Production Order relating to providing information

concerning the sales record for the phone, method of purchase, point of sale location, or the purchase of phone time, as their records do not allow for them to retrieve that data.

13. Further investigation since June 29, 2011 has involved a detailed examination of the CDR, and speaking with Simon Rowland, described at paragraphs 107-112 of the ITO of June 8, 2011 as a subject matter expert involved in technological developments in the area of call center systems, telemessaging, telecom product development, network engineering and call center operations. In addition I have conducted a number of internet and phone queries as described below.

GROUND FOR BELIEF

14. I herein incorporate my Grounds for Belief as set out in the ITO of June 8, 2011. I believe the facts outlined in those Grounds fully establish my reasonable grounds to believe that bogus phone calls were made to electors in the Guelph electoral district, appearing to come from phone number 450-760-7746. Further, that these calls falsely purported to come from Elections Canada with a false message reporting the moving of the elector's voting location to the Old Quebec Street Mall. These circumstances together amount to reasonable grounds to believe that the offences described above in this present Information to Obtain occurred.

The Bell Canada Record – Part 1

15. Tanya Campanozzi of Bell Canada Corporate Security advised me on June 29, 2011 that the Virgin Mobile phone number was activated on April 30, 2011 as a prepaid phone account and was still active as of June 29. She advised a prepaid subscriber account "*means no information has been verified and no bills are created for this user.*"
16. In the Bell Canada return on the Production Order was a Corporate Security print out reporting the customer name for phone number 450-760-7746 was identified as Pierre Poutine of Separatist Ave., Joliette, Quebec. This was first produced to me on June 29, 2011 and a copy correcting a misprint in this report was provided to me on July 21, 2011.
17. These facts are consistent with information reported at paragraphs 102 and 103 of the Information to Obtain of June 8, 2011. I understand that a prepaid phone account meant that the subscriber was to pay a monthly amount for phone time, which can be added directly by the customer at any time from his phone by purchasing a time card which is readily available in many stores. The customer would not be billed as is customary with landline phones. Consequently he could use any name or address he wished to use for customer identification purposes and this would not have to be verified for subsequent monthly billing and payment. For this I rely on conversations I had with both Denise Murley and Tanya Campanozzi of Bell Canada Corporate Security.
18. On August 30, 2011 I asked Tanya Campanozzi of Bell Corporate Security if a phone purchaser could choose which area code they would prefer for their phone, so that they could purchase a phone in one city with an area code for another. She said this does happen, and cited the example of someone buying a phone in Montreal, but wishing to use a Sherbrooke area code as that is where they intend to most often use the phone. I take from this that the 450 area code for Virgin Mobile phone number 450-760-7446 is of limited assistance in identifying where the phone was purchased.
19. On June 29, 2011 Bell Canada provided me with 2 separate CDR reports in their return on the Production Order of June 8, 2011. The first of these, noted as a VMC999P report, contains all calls that took place on the network that involved 450-760-7446 and was provided to me by email on June 29, 2011. The second record, noted as a VMC999A report, contains all data events that took place on the network that involved 450-760-7446 and was provided to me by a second email on June 29, 2011. Tanya Campanozzi of Bell Canada Corporate security advised me on June 29, 2011 and again on August 30, 2011 that the second, or VMC999A report, would typically contain more call records, as data events could include online gaming from a phone, or some text messaging. In the present case the VMC999P report contains 329 call records; the VMC999A report contains 362 call records.
20. I have examined both CDR reports provided to me by Bell Canada in their return on the Production Order of June 8, 2011. My references to call data used below in this Information will refer to the

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VMC999A report. This call detail record records details of voice calls, text messaging and voice mail. The CDR identified 362 call records between April 30, 2011 and May 29, 2011. Of these, 6 records occur on April 30, 14 records occur on May 1, 2011 and the remaining 342 records occur from May 2 through May 29, 2011. Of these last, 281 records occur on Election Day, May 2, 2011.

21. All 342 call records from May 2 to May 29 were calls made to phone 450-760-7746 – that is – no outgoing calls were made from that number during that period. Most of the 342 calls made to phone 450-760-7746 were made on May 2, 2011 from the 519 area code, which includes Guelph, and went to “voice mail” according to the CDR. Almost all of these calls were of 7 to 10 seconds duration. I believe these were largely calls made by suspicious electors in Guelph calling back to the number from which they had apparently received calls claiming to be from Elections Canada, moving their polling station.
22. Included as well in the record of calls made to phone number 450-760-7746 on May 2, 2011 was a call from 613-990-7274. This is an Elections Canada number for Michel Roussel, Senior Director, Field Readiness. Mr. Roussel advised me on August 24, 2011 that he had called the 450-760-7746 number as a result of complaints made to Elections Canada, coming from electors on Election Day. Mr. Roussel was trying to see who had been calling from (450) 760-7446. The CDR shows that the Roussel call went to voice mail and was of 7 seconds duration.
23. In addition the CDR shows 3 calls to phone number 450-760-7746 from 613-990-3078 on May 4, 2011. This is my phone number and the calls were made by me following receipt of complaints of the bogus phone calls. My calls also went to voice mail and were of 7 to 10 seconds duration. When I called phone number 450-760-7746 on May 4 I heard a recorded female voice, very faint, say something that sounded like “Pierre L” and then a second recorded female voice said words to the effect that there was no room to record messages and to try again later.
24. There were a number of calls to phone number 450-760-7746 whose significance I cannot explain at present. In view of the possible significance of the Edmonton toll free numbers noted below, beginning at paragraph 33, I believe it prudent to note that 10 of the 342 calls from May 2 onwards made to 450-760-7746 were made from another Edmonton number, 780-628-7229, whose subscriber I do not know. Where as almost all May 2 onward calls went to voice mail for a 7 to 10 second period, 3 of the calls from 780-628-7229 were of 155, 80 and 93 second duration On May 2, May 7 and May 8 respectively. The length of these connections suggests to me that an audio voice message was left for 450-760-7746, and the number of calls from 780-628-7229 suggests unusual persistence by the caller.
25. In summary, the CDR for phone (450) 760-7446 indicates that no calls were made from that phone from May 2 through May 29. This means that phone (450) 760-7446 was not used to call the electors on May 2, Elections Day, on whose call display the number (450) 760-7446 appeared as the calling number related to the bogus polling place changes.

Simon Rowland

26. As noted above and in the Information to Obtain of June 8, 2011, Simon Rowland is a subject matter expert in the area of call center design and operation. In the ITO of June 8, 2011 I wrote that Rowland was:

“the Chief Executive Officer (CEO) of Direct Leap Innovations and Direct Leap Technologies, Inc. (Direct Leap). Direct Leap was involved in the 2011 general election by providing telephone services to the NDP. Direct Leap provides phone services to a number of non-profit organizations. Direct Leap and Rowland are also involved in technological developments in the area of call center systems, telemessaging and telecom product development and network engineering. Descriptions of these are publicly available on the Internet at www.simonrowland.com and www.directleap.com/about-founder.com. Rowland is both a partisan participant in the political process and also a subject matter expert.”

27. On August 23, 2011 I spoke with Simon Rowland about the absence of calls from phone number 450-760-7746 on May 2, 2011 in the CDR provided by Bell Canada. He advised that this would not

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be unusual for call center operations. Rowland said that a person or entity wishing to send out a phone message *en masse* would contract with a Voice Broadcasting Vendor (VBV) for this service, of which there are many. Rowland said that VBV primarily use digital or VoIP (Voice over internet Protocol) calling technology. These technologies allow the VBV to program into the call process any calling number they wish to use as the 'originating number' that would be displayed on a recipient's call display, even though that number would have nothing to do with the actual call. The VBV would input the calling number that the originating caller or entity instructed them to use. That calling number would appear as the calling number in a call display at the recipient end of the phone call.

28. Rowland noted that with telemarketing and particularly with telemarketing scams, the originating caller or entity often purchase a prepaid cell phone for use of the cell phone number in this way. The number that appears on a recipient's call display would not be associated to other real numbers or to numbers with a history of use or which can be traced back to an identified subscriber. According to Rowland there is no law that prevents this from happening, and that it happens frequently in the VBV industry.
29. This is sometimes called call spoofing. I queried Google at <http://www.spoofcard.com> on August 29, 2011 and discovered I can buy a Spoof Card, whose logo is "be who you want to be". The site describes a SpoofCard as offering the ability to change what someone sees on their caller ID display when they receive a phone call. The site instructs a viewer to dial SpoofCard's toll free number and enter a personal identification number. A prompt will then ask you for a destination number followed by the phone number that you want to appear on the caller identification.
30. A number of similar sites are available as well through a Google search for "call spoofing". Wikipedia at http://en.wikipedia.org/wiki/Caller_ID defines Caller ID Spoofing as the practice of causing a telephone network to display a number on the recipient's caller ID display which is not that of the actual originating station, but appearing to have come from any number the caller wishes. Wikipedia notes that customers prepay for a personal identification number (PIN) allowing them to call a spoofing service, enter their PIN and their desired calling number, and have calls go to recipients showing that false number. This can also be done from a web-based interface.
31. Rowland described a scenario in which the calls are sent out by the VBV at a high rate, which could account for the extensive reception of such calls around 10:00 a.m. on May 2, 2011 by multiple Guelph electors. The calls would be coming from a VBV, which could be anywhere in North America, but appear to the recipient as coming from phone number 450-760-7446. Rowland said that the cell phone whose number has been used does not make the calls, and consequently the CDR from Bell Canada for 450-760-7446 would show no outgoing call activity at all on May 2, 2011. He noted that it would be impossible to achieve a high rate of calls using the cell phone directly. This is consistent with Rowland's account at paragraph 110 of the ITO of June 8, 2011.
32. Rowland said the CDR record of extensive calls back to phone number 450-760-7446 on May 2, 2011 was consistent with this analysis. Rowland said that he advises his clients who are sending phone messages in which the client solicits a call back from a call recipient for some purpose, that the client can expect approximately a 1% call back rate. In other words approximately 1% of the call recipients will be motivated enough to call back to the calling number. On May 2, 2011 - Election Day - the calls to phone number 450-760-7446 numbered 281. On that basis he was of the view that the Election Day calls to electors must have numbered in the thousands, even assuming a significantly higher call back rate by upset electors.
33. The conclusion I reach from the Rowland information is that a VBV likely sent out, *en masse*, the calls to the Guelph electors that directed them to a new polling station. The website http://en.wikipedia.org/wiki/Voice_broadcasting defines Voice Broadcasting as "a mass communications technique that broadcasts telephone messages to hundreds or thousands of call recipients at once... Voice broadcast systems manage a database of phone lists as well as digitally-recorded phone messages. Using telephony components, these computers can simultaneously broadcast thousands of phone messages."

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34. Note: a telecommunications service provider (TSP) is not the same thing as a VBV. Whereas a VBV is a commercial call center operation to communicate specific messages by telephone, a TSP provides customers access to telephone and related communications services ([http://en.wikipedia.org/wiki/Telecommunications service provider](http://en.wikipedia.org/wiki/Telecommunications_service_provider)) and which carry calls from one point to another.

The Bell Canada Record – Part 2

The Toll Free Numbers

35. The Bell Canada CDR identified 362 records between April 30, 2011 and May 29, 2011. Of these, 20 records occur on April 30 and May 1, 2011. This section concentrates on those 20 records of phone activity occurring on April 30 and May 1, 2011. That is the period from the activation of the phone to the beginning of the Election Day call backs of May 2.
36. The first 2 entries on the CDR are text messages from number 611; which the CDR described as "customer c". I believe this denotes 'customer care'. These were sent to 450-760-7446 at 8:48 and 8:50 p.m. on April 30, 2011. Rowland advised me that number 611 refers to the phone activation requirement. When purchased, a cell phone has to be activated, in this case by calling Virgin Mobile with some basic setup information. This can be done from the purchasing store; over the phone or over the internet. The text messages recorded in the CDR were most likely routine welcome texts from Virgin to the new phone subscriber, prompted by activation. This record is consistent with the Bell Canada report that the phone was activated on April 30, 2011.
37. Phone number 450-760-7446 then made 3 voice calls to a toll free number, 866-467-2259 at 8:58, 9:02 and 9:20 p.m. on April 30. The calls were voice calls of 76, 70 and 156 seconds duration respectively. The Bell Canada CDR indicates that phone number 450-760-7446 was calling from Guelph.
38. I called phone number 866-467-2259 on August 23 and several times since. On each occasion I got a recorded voice welcoming me to RackNine and offering a variety of services. These include web hosting, a VoIP digital phone service and a Do Not Call List (DNCL). Simone Rowland advised me that a company would not maintain a DNCL unless they were in business as a Voice Broadcasting Vendor.
39. On August 24, 2011 I conducted a Google query of RackNine. This leads to a welcome to RackNine page at <http://www.racknine.com>. This shows RackNine provides VoIP as a marketing tool, amongst others. This is consistent with RackNine offering VBV services. The website says that RackNine is located at 8170 - 50th Street NW, Edmonton, AB T6B 1E6. The website provides a contact phone number of 866-467-2259. My conclusion is that RackNine is the subscriber to the toll free phone number 866-467-2259 found in the Bell Canada CDR for the Virgin Mobile phone 450-760-7446 whose number appeared as the calling number to Guelph electors.
40. On May 1, 2011 phone number 450-760-7446 made 7 voice calls to another toll free number, 877-841-3511 at 11:16, 11:22, 11:26, 11:27, 11:28, 11:30 and 11:37 p.m. The calls were of 124, 199, 15, 125, 43 and 82 seconds duration respectively. The Bell Canada CDR indicates that phone number 450-760-7446 was calling from Guelph.
41. I called phone number 877-841-3511 on August 24 and several times since. I get a recorded voice asking me to log in with my customer number. No identifying names are given. The logical conclusion is that whoever phones this number has an existing customer relationship with the subscriber of phone number 877-841-3511.
42. On August 25, 2011 I used a Google search for reverse toll free number lookup for each of the 2 toll free numbers given above. The Google search was at <http://www.customtollfree.com/toll-free-reverse-lookup>. This search provided a result that the telecommunications service provider for both toll free numbers 866-467-2259 and 877-841-3511 is Allstream Inc., a Canadian telecommunications communications provider located in Toronto.
43. On August 25, 2011 I called Allstream at 1-866-883-8618 and spoke with Anders Gurholt. He confirmed that both 866-467-2259 and 877-841-3511 were Allstream numbers. He advised me

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that both numbers had been sold to a wholesaler - ThinkTel Communications - for onward sale to customers.

44. On August 25, 2011 I queried ThinkTel Communications Inc. Their web page indicates they are a subsidiary of Distributel Communications. ThinkTel Communications is located at 10235 124 St. NW, Edmonton, AB T5N 1P9 1-866-928-4465. Distributel Communications is located at 177 Nepean Street, Suite 300, Ottawa, Ontario K2P 0B4.

The Bell Canada Record – Part 3

The remaining April 30-May 1 phone numbers

45. The toll free numbers noted above account for 10 of the 20 call records to or from phone number 450-760-7446 for April 30 and May 1, 2011. Those 10 records were all for outgoing voice calls. Of the remaining 10 records, 2 were described above as response text messages to the activation of the phone at 8:48 p.m. on April 30. Another call record appears in the CDR as phone number 450-760-7446 calling itself with a voice call at 3:25 p.m. on May 1, for 199 seconds. The CDR indicates that as "First voicemail", which would be consistent with a subscriber setting up a voicemail message greeting, after initial activation.
46. Six (6) of the remaining 7 calls or texts were text messages made to phone number 450-760-7446. The calling numbers contained areas codes for Anaheim and Pasadena California. These texts were received at 9:19 p.m. on April 30, 4 just after 3:00 a.m. on May 1 and the last at 8:13 a.m. on the 1st. I cannot account for these calls at present. The 7th call was voice call of 21 seconds made at 3:24 p.m. from a number with an area code for Fairport New York. I cannot account for this call at present.
47. I have tried each of the 7 calling numbers several times, most recently on August 29, 2011. On each try I received either a busy signal or a recorded voice telling me that my call did not go through.

Other Investigation

48. On August 25, 2011 I asked the RCMP Commercial Crime Branch for open source corporate indices checks on RackNine. Elections Canada has a memorandum of understanding with the RCMP for assistance, and the RCMP Commercial Crime Branch performs open source corporate indices checks, through a National Economic Profiling System (NEPS).
49. On August 26, 2011 Judy Parrish of Commercial Crime Branch provided me with their search results. RackNine is an Alberta Corporation, registered on October 2, 2001. The report lists a sole director Matthew Meier. In the RackNine Google search noted above, Matt Meier was identified as the company president.
50. I called ThinkTel Communications on August 25, 2011 and asked if they could confirm that they were the TSP to both toll free numbers 866-467-2259 and 877-841-3511; and if they could confirm to me that RackNine was the subscriber to those numbers. I was asked to send an email query to Mr. Pierre Lacelle, which I did on August 25.
51. On August 29 and 30th, 2011 I spoke with Jared Riddoch of Distributel. He advised Distributel, the parent of ThinkTel Communications, will provide me with a confirmation of whether or not they are the TSP for the toll free numbers 866-467-2259 and 877-841-3511, but will not provide me with subscriber information for these numbers without a Production Order directing them to do so. Mr. Riddoch asked that any Production Order be directed by email to Privacy.Officer@distributel.ca at Distributel, as the parent company of ThinkTel Communications.
52. On September 6, 2011 Jared Riddoch of Distributel confirmed to be by email that toll free numbers 866-467-2259 and 877-841-3511 were with ThinkTel Communications.
53. As set out in the ITO of June 8, I know that calls were received by electors in the Guelph electoral district from a number which appeared on their call displays as 450-760-7746. These calls falsely told the electors that the caller was calling on behalf of Elections Canada, and telling the electors that

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their polling location had been changed to a new location. Electors could not vote at the new location, had they gone there, as a number did (see paragraph 86 of the ITO of June 8 at Appendix "A"). I have a reasonable belief that had the electors gone to the new location not only would they be unable to vote, but that legitimate electors arriving at that location would find their own ability to vote impeded by the number of electors ineligible to vote at that location and who would be depending on polling station staff to redirect them back to their original polling locations. I also believe it reasonable to believe that some of the redirected electors would decide not to vote, or would find themselves unable to vote in time before the closing of the polls on May 2.

54. With the production of the Bell Canada CDR, it is clear that the Virgin Mobile cell phone associated to phone number 450-760-7446 did not make the calls to the Guelph electors on May 2, 2011, and in fact the Virgin Mobile phone has not been used since May 1 except to receive text messages and calls redirected to voice mail. The Bell Canada CDR shows, however, that the Virgin Mobile cell phone number 450-760-7446 was used to call RackNine at 866-467-2259, a VBV in Edmonton, Alberta on 3 occasions on April 30, 2011 and called a second toll free number, 877-841-3511, 7 times just before midnight on May 1, 2011.
55. Both the RackNine toll free number 866-467-2259 called on April 30 and the second toll free number 877-841-3511 called on May 1, 2011 share ThinkTel Communications of Edmonton, Alberta as their TSP. RackNine is an Edmonton company. Consequently I think it reasonable to conclude that the second toll free number 877-841-3511 links to the Edmonton area as well and possibly to RackNine. Further, I think it reasonable to believe that the 10 calls from 450-760-7446, 3 of which for sure went to RackNine, a VBV, and 7 calls to an entity with which the caller from 450-760-7446 appears to have had a customer relationship, all within the 2 days just before Election Day, will contribute to determining who the VBV calling the Guelph electors was, and who had hired the VBV to make the calls.
56. Finally, I believe that the scheme of calling electors in Guelph with a false Elections Canada message, through a VBV was one requiring planning and coordination. I doubt it was created in the 10 phone calls from the Virgin Mobile phone to RackNine on April 30 and May 1, 2011. It is more likely that these calls, if related to the Guelph elector calls as I believe, were made in the final stage of that scheme. I believe it is reasonable to believe that the first contact with a VBV to carry that scheme out would have come sometime earlier than April 30, but after the calling of the general election on March 26, 2011. Consequently I believe it is necessary to seek call detail records from ThinkTel Communications, as the RackNine TSP, for toll free numbers 866-467-2259 and 877-841-3511 beginning with the calling of the election on March 26, and ending several days after Election Day.

CONCLUSION AND REQUEST

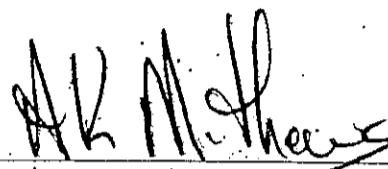
57. Based on the information described above including that found within the Information to Obtain of June 8, 2011 attached to this Information as Appendix "A", I have reasonable grounds to believe and do believe that:
 - i. The offences described above have been committed;
 - ii. the documents or data sought will afford evidence respecting the commission of these offences;
 - iii. Distributel Communications Limited, through its subsidiary ThinkTel Communications, has possession or control of the documents or data sought; and
 - iv. the documents or data sought will assist in identifying the Voice Broadcasting Vendor through whom messages were sent to the Guelph electors, and the identity of the person or persons who ultimately put the scheme in motion through the Vendor.
58. In order to ensure sufficient time for locating and certifying the documents sought, it is requested that the time period to produce the DOCUMENTS OR DATA TO BE PRODUCED be 60 days from the date of the service of the Production Order being applied for.

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59. I request that the documents or data be produced to Allan Mathews, a Public Officer appointed or designated to administer or enforce the Act, and forwarded by registered mail to the attention of Allan Mathews at the Office of the Commissioner of Canada Elections 257 Slater Street Ottawa, Ontario K1A 0M6 by no later than 30 days from the date of the service of the order applied for.
60. I request the documents or data be produced be in hardcopy form.

WHEREFORE the Informant requests that a Production Order, may be granted according to the terms herein proposed.

PAR CONSÉQUENT, le dénonciateur demande qu'une ordonnance de communications soit accordée sujet aux conditions proposées ci-haut.



The Informant

Le dénonciateur

Sworn before me this 7 day of September
A.D. 2011 at Ottawa, Ontario

Assémenté devant moi-même ce ____ jour ____ en
l'an de grâce 2011 à Ottawa, Ontario


Justice of the Peace in and for the Province of
Ontario

Juge de paix dans et pour la province de l'Ontario

